

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IAN S. PHILLIPS

Plaintiff

v.

MERRILL LYNCH PIERCE FENNER
& SMITH INCORPORATED

Defendant

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C.A. No. 05-742 (SLR)

JURY TRIAL DEMANDED

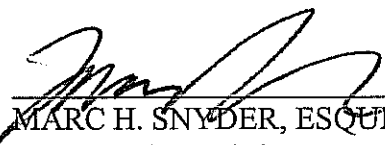
NOTICE OF DISMISSAL

AND NOW COMES Ian S. Phillips, Plaintiff in the above captioned matter, by and through his undersigned counsel, Alan L. Frank, Esquire and the law firm of Frank, Rosen, Snyder & Moss, L.L.P. filing this Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1) seeking dismissal of this matter **WITHOUT PREJUDICE**.

Respectfully submitted,

FRANK, ROSEN, SNYDER & MOSS, L.L.P.

By: _____


MARC H. SNYDER, ESQUIRE
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Fax. (302) 475-8182

Dated: January 10, 2006

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CERTIFICATION OF SERVICE

I, Marc H. Snyder, Esquire, partner of the law firm of Frank, Rosen, Snyder & Moss, L.L.P. hereby certify that I served a true and correct copy of the attached Notice of Dismissal in the above captioned matter upon the below listed parties in interest via first class U.S. mail postage prepaid:

Daniel V. Folt, Esquire
Gary W. Lipkin, Esquire
1100 N. Market Street, 12th Floor
Wilmington, DE 19801

Dated: 1-10-06



MARC H. SNYDER, ESQUIRE